

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Edgar A. O'Rear, III, et al.
Serial No. : 10/692,171
Filing Date : October 23, 2003
Title : METHOD FOR MAKING AN ARTICLE WATER
RESISTANT AND ARTICLES MADE THEREFROM
Group/Art Unit : 1794
Examiner : AHMED, SHEEBA
Confirmation No. : 8356
Docket No. : 820233.02310

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

The above-identified application became abandoned for failure to file a timely and proper reply to a final office action mailed on January 10, 2008 by the United States Patent and Trademark Office (USPTO). The official date of abandonment is July 11, 2008 and the Notice of Abandonment was mailed by the USPTO on July 31, 2008.

AUG 20 2008

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(l);
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

REQUIREMENTS

1. Reply and/or fee

[1] The reply to the above-noted Office action in the form of a Request for Continued Examination (RCE) has been filed previously on May 8th 2008 but is also filed herewith.

[2] The fee for a one month extension for the above-noted Office action is enclosed herewith.

2. Petition fee

Small entity-fee \$255.00 (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a)

AUG 20 2008

was unavoidable. Applicant's attorney filed a Request for Continued Examination (RCE) in response to the final office action, mailed January 10, 2008, on May 8, 2008 but failed to submit the fee for a one month extension. On July 24, 2008, Applicant's attorney performed a status check using the Private Pair function of the USPTO's website (www.uspto.gov) on all of Applicant's files. Applicant's attorney then discovered that a Notice Requesting Extension of Time Fee had been mailed by the USPTO on May 13, 2008 but never received by Applicant or Applicant's attorney. The first time Applicant's attorney became aware of the Notice Requesting Extension of Time Fee was on July 24, 2008, which was 13 days after July 11, 2008, the date the above mentioned application officially became abandoned.

Once the Applicant's attorney became aware of the Notice Requesting Extension of Time Fee that was never received, Applicant's attorney contacted the Examiner by telephone to make them aware of the situation. Applicant's attorney and the Examiner determined that a Notice of Abandonment would have to be sent and a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) must be prepared and submitted to the USPTO by Applicant's attorney.

Applicant and Applicant's attorney were never made aware that the one month extension fee had not been paid and thus, the RCE had not been considered. This allowed the application to unavoidably go

abandoned due to the fact that Applicant's attorney was awaiting communication from the USPTO.

4. A terminal disclaimer is not required due to this utility application being filed on or after June 8, 1995.

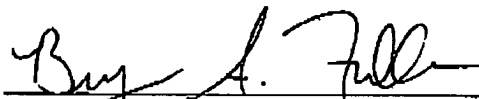
Filed herewith are:

- [1] Fee payment for petition fee and the one month extension fee discussed herein.
- [2] Reply
- [3] The Acknowledgement Receipt from May 8, 2008 showing that the RCE was successfully and electronically filed in a time frame that only required a one month extension fee.

CONCLUSION

In the event that any outstanding issues remain that would delay the acceptance and granting of this petition, the USPTO representative handling this matter is urged to contact the undersigned to telephonically discuss such outstanding issues.

Respectfully submitted,



Bryan A. Fuller, Reg. No. 58,065
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Attorney for Applicant

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NO. 1968 P. 24/27

PTO/SB/51 (08-08)
Approved for use through 08/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 820233.02310
First Named Inventor:	Edgar A. O'Rear	Art Unit: 1794
Application Number:	10/692,171	Examiner: AHMED, SHEEBA
Filed:	10/23/2003	
Title:	METHOD FOR MAKING AN ARTICLE WATER RESISTANT AND ARTICLES MADE THEREFROM	
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity – fee \$ <u>255.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> Is enclosed herewith.</p> <p>B The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/21/2008 HMARZ11 00000007 10692171

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255.00 OP

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PTO/SB/81 (08-08)

Approved for use through 08/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Bryan A. Fuller
Signature

Bryan A. Fuller
Typed or printed name

100 N. Broadway, Suite 2900
Address

OKC, OK 73102
Address

8/20/08
Date

Date

58065
Registration Number, if applicable

Registration Number, if applicable

405-553-2822
Telephone Number

Telephone Number

- Enclosure ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8/20/08
Date

Date

Bryan A. Fuller
Signature

Signature

Bryan A. Fuller
Typed or printed name of person signing certificate

Typed or printed name of person signing certificate

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PTO/SB/61 (08-08)

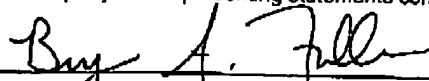
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.


Signature
Bryan A. Fuller

8/20/08

Date
58065

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]